

**CITY OF SHORELINE
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND DECISION

APPELLANTS: Alice and Ray Hoskins

FILE NO: Short Plat SHSP 96002, File No. 1996-00047

APPEALS: Alice and Ray Hoskins, 1223 North 188th Street, Shoreline 98133, next door neighbors to the applicant, are appealing the Preliminary Approval of the Short Plat by the City of Shoreline (See Exhibit A).

BACKGROUND:

A. Location and Neighborhood: The subject property is located immediately adjacent to and south east of the intersection of Stone Avenue North and North 188th Street at 18573 Stone Avenue North.

B. The Proposal: The project is a short subdivision of an existing 12,650 square foot parcel into two separate lots of 8,397 square feet (Lot 1) and 4,253 square feet (Lot 2). Following the initial review of the proposal, the short subdivision was reconfigured and a revised site plan was submitted realigning Lot 2 with 3,850 square feet to occupy the entire eastern 35 feet of the subject property with a 20 foot wide Tract A for a driveway to Stone Avenue North serving both lots.

C. History: The application was submitted on January 7, 1996, to the Development Services Group (DSG) of the City of Shoreline and a Notice of Application was issued February 7, 1996. In response to the public notice a number of petitions and letters in opposition to the short plat were received. After review by the DSG staff the short plat was revised on February 26, 1996 (Attachment #3 to the Staff Report - Exhibit B). The project is exempt from SEPA as it contains no environmentally sensitive areas and does not trigger any other review thresholds. Preliminary approval of the proposal subject to conditions was granted by the City of Shoreline Development Services Group on June 11, 1996. The Appeal dated June 24, 1996 was received at the City Clerk's office June 26, 1994. The Public Hearing Notice dated July 18, 1996 was published July 19, 1996. The Public Hearing on the Appeal was held July 31, 1996, 7:00 p.m. at the Shoreline Conference Center, Mount Rainier Room.

D. Appeal: Alice and Ray Hoskins filed a timely appeal received by the City Clerk's office on June 26, 1996. The items specified in their appeal letter include:

1. Loss of privacy because of the location of the lot and the size and height of the building;
2. The "postage stamp" size of the lot;
3. Increase in traffic and parking on North 188th Street caused by another lot.
4. Loss of light in their backyard because of the placement of the new building;

5. Water Supply in N. 188th Street;
6. Vegetation removal; and,
7. Potential reduction of property values.

PUBLIC HEARING:

On July 31, 1996 the Hearing Examiner held an open record public hearing on the appeal. The hearing was opened at 7:00 p.m. in the Mount Rainier Room of the Shoreline Conference Center and was closed at 8:35. Participants at the public hearing and the exhibits offered and accepted are listed in this record. A verbatim recording of the hearing is available in the City Clerk's office. The file of hearing exhibits is available for public inspection in the office of the Development Services Group.

At the beginning of the Public Hearing the Hearing Examiner indicated that he had visited the site and driven through the surrounding area. He noted that he had reviewed the application and the appeal letters. He reviewed the rules of procedure for the hearing.

Testimony was offered at the public hearing by the Development Services Group, City of Shoreline, the appellant, the applicant and numerous citizens. Testimony was taken under oath. Testimony which was offered is summarized in the following:

- James Holland, Project Manager III/Land Use Planner, DSG, City of Shoreline, presented the staff report which is contained in Exhibit B. He also introduced Exhibit D which is a chart of site photographs. He emphasized that the application had been received prior to the moratorium on narrow lots of less than 5,000 square feet adopted by City Council. He noted that the proposed subject lot, as modified, would meet the provisions of the Shoreline Code and that numerous conditions had been placed on it to address impacts on surrounding property and the neighborhood.

- Alice and Ray Hoskins, appellants, addressed the issues of their appeal including: Increase in traffic in the neighborhood; decreasing property values due to loss of privacy and the size and proximity of the building; lack of adequate water supply on N. 188th Street; increased problem of drainage due to the new construction; and inappropriate pruning of trees in the City right-of-way.

- Citizens who spoke in opposition included:
 - Lyle Leibel, who expressed concern that it would not enhance the value of their property.
 - Kathy Fewel, expressed concern that the house would become a rental, about skinny houses and general reduction of the quality of life in the neighborhood. She also felt that the conditions were "Band-Aids". She read the letter from Gary and Deborah Kerns (Exhibit E) into the record. During later testimony she asked for clarification of infiltration pits for drainage. She also read into the record a letter from Gary Cooper, dated December 10, 1995 regarding a persons' ability to subdivide under the current regulations prior to any City action.

- Michelle Wenstrom expressed concerns about the additional traffic'
- Jeff Fujii who lives directly to the south expressed concern about the negative impact on his property as well as the rest of the neighborhood.
- Barbara Guthrie, expressed concern about this pattern of development in the area, traffic and lack of sidewalks and surface water problems due to the numerous springs in the area. She indicated that she felt the staff conditions were responsive.
- Richard Fergus expressed concern about the traffic, potential for rentals and their effect on the neighborhood.

- The Applicant and his representative responded to some of the identified issues:
 - Gary Cooper, representative for Borchert, discussed the following items:
 - The lot meets current regulations and he urges those who have concerns to attend the meetings being held by the City to address the issue of small, narrow lots.
 - There is an 8" water main in Stone Avenue N. which will serve this lot.
 - The proposed house is similar to one on Meridian and it is not tall and skinny. He showed plans which indicate it is 25 feet wide, is approximately 22 feet tall and has 1,790 sq. ft.
 - The open space on the new lot is adjacent to that on adjoining lots.
 - They will dedicate 5' of right-of-way along N. 188th Street as well as fill the ditch along Stone Avenue N. and install an asphalt pedestrian walk.
 - Drainage will be provided to limit off-site surface water runoff.
 - He introduced a site plan (Exhibit F) and a potential building plan

(Exhibit G).

- Paul Borchert, owner and applicant, summarized that the proposal meets all of the legal requirements of the City and that he feels the conditions will adequately address the issues which were previously brought up and which were testified to at this hearing.

After reviewing the application, , the Preliminary Approval with Conditions, the letter of appeal, considering all public testimony submitted in writing and by witnesses at the public hearing, and viewing the subject property and its surroundings, the Hearing Examiner hereby enters the following Findings and Conclusions:

I. FINDINGS:

A. The primary issue related to this appeal is whether the City of Shoreline Development Services Group should have granted a Preliminary Approval of the Borchert Short Plat (SHSP 96002, File No. 196-00047) for the subject property.

B. The issues which have been raised have dealt with the potential adverse impacts on the adjacent properties and the surrounding neighborhood including: loss of privacy; height of the structure; size of the lot; traffic and parking; surface water runoff; pedestrian safety; reduction of property values; and the potential that the house will become a rental.

C. The proposed Short Plat is consistent with the Comprehensive Plan designation and Zoning designation of the City of Shoreline and the application was submitted prior to the enactment of a moratorium on smaller, narrow lots by the Shoreline City Council.

D. As part of the review of the Borchert Short Plat by the Development Services Group it was required that the lot be reconfigured and access be made available only from Stone Avenue North.

E. Attached to the Preliminary Approval of the Borchert Short Plat by the Development Services Group of the City of Shoreline were a number of conditions addressing the issues identified in the appeal and in the public testimony.

II. CONCLUSIONS:

A. On the issue of the Appeal, the appellant has the burden of establishing that the recommendation or decision is not supported by the preponderance of the evidence. The appellant and citizen testimony have identified a number of issues relative to the public welfare and the neighborhood development in the area which is the first subdivision standard in Title 19, City of Shoreline Ordinance #20. It is concluded that the conditions applied to the Preliminary Approval of the Short Plat substantially address those issues.

B. The Short Plat is consistent with the other provisions of Title 19, City of Shoreline Ordinance #20 in that there is provision for sidewalks or walkways (SMC 19.08.150); conformance to zoning code (SMC 19.08.210); and dimension of lots, SMC 19.12.050).

C. The Preliminary decision made by the Development Services Group is consistent with the provisions of 19.26.120 in that the Short Plat received a Preliminary Approval with Conditions, it was based on written findings, and it was based on conformance with adopted city and state rules and regulations in effect on the date the complete application was received.

III. DECISION:

Based on the foregoing findings of facts and conclusions, the appeal of Alice and Ray Hoskins is denied.

The Conditions for Short Plat Final Approval are confirmed as appropriate except as modified below (Insertions of language are underlined and deletions are crossed out):

Zoning Code; second condition is revised to read:

In order to preserve neighborhood character and comply with policy LU-11 of the Shoreline Community Plan and Zoning Area of August 1980, and to be consistent with the testimony and plans submitted by the Applicant, the maximum

building height for Lot #2 shall be restricted to 23' ~~26'~~ (feet).

Addresses; the address for Lot #2 shall also be numbered from Stone Avenue North since the access to the lot is from Stone Avenue North and there is no access from N. 188th Street.

Other Conditions; Modify the first sentence to read: A 'Building Envelope' identifying the general location of any future residence on Lot #2 of the subject property shall be placed on the final plat and it shall reference the bulk and height of the plan submitted at the time of the appeal."

Restrictions, add a condition #4 that "A statement will be added to the face of the final recorded short plat to both Lot #1 and Lot #2 that no vehicular access will be allowed from N. 188th Street."

EXHIBITS;

The following exhibits were offered and entered into the record:

A. Appeal of Borchert Short Plat filed with City Clerk on June 26, 1996, dated June 24, 1996.

B. Staff Report to the Hearing Examiner, Development Services Group, City of Shoreline, dated July 18, 1996.

C. Letter from Ellwood and Florence Berryman, dated July 31, 1996.

D. Chart of Site Photographs, Development Services Group, City of Shoreline, dated July 31, 1996.

E. Letter from Gary & Deborah Kerns, dated July 30, 1996 (Read into the record by Kathy Fewel).

F. Site Plan of Subject Property, submitted by Gary Cooper, Lynscot Corporation, dated April 4, 1996.

G. Potential Building Plan, submitted by Gary Cooper, Lynscot Corporation, dated December 5, 1996.⁵

H. Letter from Gary Cooper, Lynscot Corporation, dated December 10, 1995 (Read into the record by Kathy Fewel).

PARTIES OF RECORD;

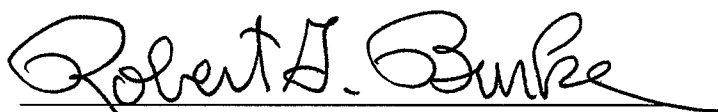
Development Services Group, City of Shoreline.

Appellant: Alice and Ray Hoskins, 1223 N. 188th Street

Applicant: Paul Borchert, 18573 Stone Avenue N.
Gary S. Cooper, 20351 Greenwood Avenue North, Shoreline, 98133

Citizens:: Joseph and Kathy Fewel, 18523 Stone Avenue North
Stan and Janitta Leibel, 1314 N. 188th
Michelle Wenstrom, 18530 Stone Avenue North, Shoreline, WA 98133
Jeff and Gloria Fujii, 18563 Stone Avenue North
Barbara Guthrie, 18531 Ashworth Avenue North
Richard Fergus, 18815 Stone Avenue North
Ellwood and Florence Berryman, 185469 Stone Avenue North, Shoreline, WA.
98133-4013
Mills and Midrake Miller, 312 NW 182nd
Gary and Deborah Kerns, 18803 Stone Avenue North, Shoreline, WA 98133
Audrey Hallingstrom, 18803 Stone Avenue North
Nicole K. Fallis, 1614 N. 190th Street
Shirley J. Jones, 18574 Midvale Ave N, Shoreline, WA 98133
E. Lee and Gloria Kerby, 12177 - 188th Street, Shoreline, WA 98133
Eunice Munger, 18802 Ashworth Avenue North, Shoreline, WA 98133
William and Donna Lango, 18557 Stone Avenue North, Shoreline, WA 98133
Raymond and Claire Harper, 18829 Ashworth Avenue North, Shoreline, 98133
Kay L. Chambers, 18824 Ashworth Avenue North, Shoreline, WA 98133
Willie M. Gant, 1621 North 190th Street, Shoreline, WA 98133
Claudia Erder, 19215 Ashworth Avenue North, Shoreline, WA 98133
Dorothy Dunbar, 14601 - 9th Avenue, Shoreline, WA 98155
Colleen O'Neill, 1725 NE 175th, Shoreline, WA 98155
Loretta Brown, 18224 - 24th Avenue NE, Shoreline, WA 98155
Robert and Julia Jensen, 2508 NW 202nd Street, Shoreline, WA 98177
James and Norma Holmlund, 16230 - 6th Avenue NE, Shoreline, WA 98155
Larry Monger, 1832 N. 190th, Shoreline, WA 98133
Deborah L Murphy, 1819 N. 148th, Shoreline, WA 98133
Rob Balg, 18043 Ashworth Avenue, Shoreline, WA 98133
Brad and Krista M. Lund Tenny, 15554 Greenwood N.
Norma Gwinn, 20222 - 20th NW, Shoreline, WA 98177
D. Marie Brown, 106 N. 201st Street, Shoreline, WA 98133
S. and Ann Hasegan, 518 N. 170th Court, Shoreline, WA 98133
Teresa Hobin, 1821 NE 171st, Shoreline, WA 98155
Jacqueline Karon, 18520 - 8th Avenue NW, Shoreline, WA 98177
Michael and Michele Miller, 312 NW 182nd, Shoreline, WA 98177
John and Judith Guick, 315 NW 182nd, Shoreline, WA 98177

Entered this 14th day of August, 1996. The decision of the Hearing Examiner shall be the final decision on any appeal of an administrative decision including the Preliminary Approval of a Short Plat.


Robert G. Burke, Hearing Examiner

RECONSIDERATION:

Any party of record may file with the Hearing Examiner a written request for reconsideration. The request must be filed at the City Clerk's Office, City of Shoreline, 17544 Midvale Avenue North, Shoreline, WA. 98133, within five (5) working days of the date of the Hearing Examiner's recommendation or decision which is August 14, 1996. The request shall specifically set forth alleged errors of fact, law or procedure as addressed in the Hearing Examiner's decision or recommendation. The request may also include direction to a specific issue that was inadvertently omitted from the Hearing Examiner's recommendation or decision.

The Hearing Examiner shall act within five (5) working days after the date of the filing of the request for reconsideration, by either denying the request or approving the request.

If the Hearing Examiner approves the request, the original recommendation or decision shall be corrected or amended, or the Hearing Examiner can set the matter for additional hearing to correct the record or any deficiencies of the recommendation or decision. If an additional hearing is required the notice of said hearing shall be mailed to all parties of record not less than five (5) days from the order of the Hearing Examiner.

APPEAL OF HEARING EXAMINER'S DECISION:

Pursuant to Ch. 347 of 1995, Sec. 705, this decision may be appealed by filing a land use petition in Superior Court and serving all persons entitled to service under 705 within 24 calendar days of the date the decision was mailed to the parties of record. At the end of the 24 day period, if no appeal has been filed, the decision of the Hearing Examiner shall become final and any appeal is thereafter barred. The last day for filing an appeal is September 9, 1996. The appeal must be filed with King County Superior Court, King County Clerk's Office, Room E-609, King County Courthouse, 516 Third Avenue, Seattle, Washington.